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May 9, 2012

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

RE: Ex Parte Notice: CG Docket Nos. 10-51 and 03-123

Dear Ms. Dortch:

Sean Belanger and the undersigned of CSDVRS, LLC (“ZVRS”) met on May 2, 2012 with Sean Lev and Nick Bourne, Office of General Counsel, Karen Peltz Strauss and Robert Aldrich, Consumer and Governmental Affairs Bureau, Gregory Hlibok, Diane Mason and Eliot Greenwald, Disability Rights Office, Nicholas Alexander and Richard Hovey, Wireline Competition Bureau, and Sarah Citrin, Enforcement Bureau, regarding the Commission’s VRS Further Notice of Proposed Rulemaking (“FNPRM”). Commission staff indicated that we had a brief extension of time to file this ex parte in order to collect certain information provided below.

In response to an inquiry about the primary issue with the per-user proposal, ZVRS said that it would perversely incent discrimination against high volume VRS users and other categories of labor-intensive customers such as those VRS users who are elderly, those who are deaf-blind, those who primarily speak in a foreign language such as Spanish, those with limited ASL or English proficiency, those students who use relay to participate in distance learning and those with secondary or multiple disabilities. The Commission does not have the resources to effectively enforce a new non-discrimination prohibition nor can avail itself to a comprehensive monitoring program to detect and enforce against a majority of disparate treatment which will occur under the per user regime. Regardless, providers will seek and implement numerous legitimate approaches which will discourage high volume and labor intensive users such as declining to provide, maintain or replace the necessary technology to access VRS.

ZVRS responded to the comment that a category of a high quantity user - those who use VRS as part of their business or work – would be covered by stating that such an approach leaves exposed to unequal treatment multiple other types of labor intensive customers. It was pointed out that legislation was recently enacted to better include in VRS one such category of customers, those who are deaf-blind. It is evident that the Commission would be constantly addressing categories of VRS or labor intensive users to ensure that they do not experience diminished service. This outcome is inapposite to the ADA's precept of attacking discrimination in creating accessible telecommunications.

In addition to the drastic reduction of service and invidious discrimination, ZVRS said that the per user proposal will undoubtedly create new kinds of fraud and abuse. ZVRS also responded that contrary to an assertion at the meeting, the California Relay Service compensates on a per minute basis not a flat rate.¹

We discussed the importance of separation of VRS access technology and interpreting services which would make the market more contestable and rebalance the effects of the anti-competitive use of videophones by the monopoly provider. We expressed our strong support of the Commission's proposal to fully transition to off-the-shelf CPE for use to access VRS. A summary of the ZVRS hybrid proposal was provided (attached).

The Commission asked us to provide certain information in our ex parte. While this information is proprietary we are making an exception in this instance in disclosing such information in order to help foster transparency and informed discussion. The Commission questions and our responses are as follows:

- ZVRS' Average Speed of Answer (ASA) per week: 23 seconds;
- The average length of ZVRS' VRS calls: 262 seconds or 4.37 minutes (average conversation time);
- The average number of 911 calls ZVRS handles per week: 18.5 calls; and
- A brief description of the type of training and support we provide in handling 911 calls: ZVRS allocates a significant amount of time explaining the process of 911 calls via VRS in the initial Video Interpreter (VI) training session. A 911 call is prioritized ahead of all incoming VRS calls. The VI immediately recognizes the emergency nature of the call by the incoming ring call (RED). The VI notifies the floor supervisor that they are handling a 911 call. The call is automatically and immediately connected with the appropriate Public Safety Answering Point (PSAP). The VI in the meantime verifies the caller's address that has populated along with the callers profile. When the PSAP operator picks

¹ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*; Interstate Telecommunications Relay Services Fund, Payment Formula and Fund Size Estimate, Rolka Loube Saltzer Associates LLC (RLSA) page 9, CG Docket No 03-123 (April 30, 2012). Moreover it may not be accurate to characterize Michigan's TRS rate as flat as opposed to per minute, their TRS Administrator indicated in a phone conversation with ZVRS' attorney that the Michigan TRS provider is compensated monthly based on the volume of TRS calls serviced.

up, the VI recites the information prescribed by the FCC, including the relay provider's name, the VI identifier and the call back number of the inbound caller. The call is interpreted to completion. The above process is the same for a dialed around emergency call, however the VI must collect the location information of the caller to connect with the appropriate PSAP.

Sincerely,

/s/

Jeff Rosen
General Counsel

cc: Sean Lev
Nick Bourne
Karen Peltz Strauss
Robert Aldrich
Gregory Hlibok
Diane Mason
Eliot Greenwald
Nicholas Alexander
Richard Hovey
Sarah Citrin

Attachment